



Inquiry into Human Rights Legislation Amendment Bill 2017 Parliament House Canberra ACT 2600

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Inquiry into Human

Rights Legislation Amendment Bill 2017 (). However, we note we are only able to provide limited comments on the Bill due to the extremely short consultation period. We are disappointed that the Bill will not be subject to extensive scrutiny through community consultation, with the Committee only being given 5 days to report on the Bill.

We believe that the current racial vilification provisions in the *Racial Discrimination Act 1975* (Cth) E strike an appropriate balance between the right to freedom of speech and right to freedom from racial vilification and should not be

Australia is a proud multicultural nation. Australians believe that racism is wrong. The Bill will reduce protections against vilification and will privilege freedom of speech over freedom from racial vilification. We disagree with this Government priority and believe the Bill is out of step with current community values. Our dients, who come from disadvantaged backgrounds, experience significant harm from racist speech and to weaken these provisions would disadvantage our dients further. KLC believes that it is imperative to retain effective legal

protections against racial vilification, to make it clear that this behaviour is not acceptable in modern Australian society. Our view is that the Bill weakens racial

limit, given the structural barriers that already exist for minority groups in exercising their rights.

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3. The current time limit of 12 months remain.

amendment is that it would allow settlement offers made in conciliation to be considered by the court. KLC submits that this approach fails to recognise the

laws act as a deterrent to such conduct. KLC is concerned that if the Bill becomes law, people may offend, insult and humiliate others based on their race with impunity, causing harm to minority groups.

Recent political comments on section 18C frame it as an attack on free speech. However, this argument ignores the tendency of the law to curtail free speech in other areas, such as defamation, sexual harassment, copyright, official secrecy, contempt of court and limits on offensive language.

Australia is obliged under the International Covenant on Civil and Political Rights and the International Convention on the Elimination of All Forms of Racial Discrimination to ensure that no one is subjected to racial hatred.⁷

Freedom of expression is not an absolute right and may be restricted where .8 The UN Human Rights Committee has found

that laws offering protection against racial vilification meet these criteria⁹. view is that section 18C as currently drafted strikes the appropriate balance between freedom of speech and freedom from racial vilification. KLC is concerned that this Bill privileges the right to freedom of speech over the right to be free from racial discrimination and vilification.

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If the Government wishes to provide greater protections for freedom of speech, this should be enshrined in the Australian Constitution or a national human rights act.

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⁷ International Covenant on Civil and Political Rights, opened for signature 16 December 1966, 999 UNTS171 (entered into force 23 March 1976) arts 19 & 20; International Convention on the Elimination of All Forms of Racial Discrimination, opened for signatures 21 December 1965, 660 UNTS195 (entered into force 4 January 1969) arts 1 & 4.